

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARISSA MALDONADO, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:24-cv-00102-SAB

ORDER REQUIRING PLAINTIFFS TO FILE  
STATUS REPORT REGARDING STATUS OF  
ACTION AND READINESS FOR SCHEDULING  
CONFERENCE

**DEADLINE: APRIL 30, 2024**

Plaintiffs initiated this action on January 22, 2024 against Defendants City of Fresno, Officer R. Harrell, Officer Eric Claiborne, Anthony Jeff, Alice Valenzuela, and Police Chief Paco Balderrama. (ECF No. 1.) Plaintiffs have filed proof of service of only two of six Defendants: City of Fresno and Police Chief Paco Balderrama. (ECF No. 5.) Both City of Fresno and Police Chief Paco Balderrama have filed their answer. (ECF No. 6.) No other Defendant has appeared. The mandatory scheduling conference is currently set for May 14, 2024. (ECF No. 4.)

Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.* The order setting the scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue service of the summons

1 and complaint and dismiss those defendants against whom the plaintiff will not pursue  
2 claims...[and] plaintiff shall promptly file proofs of service of the summons and complaint so the  
3 Court has a record of service.” (ECF No. 4 at 1.) “Failure to timely serve the summons and  
4 complaint may result in the imposition of sanctions, including dismissal of unserved defendants.”  
5 (Id. at 2.) Given over ninety days have passed since Plaintiffs filed the complaint and Plaintiffs  
6 have not filed proof of service of four Defendants nor have any of those four Defendants  
7 appeared in this action, the Court shall require Plaintiffs to file a status report in this matter.

8 Accordingly, IT IS HEREBY ORDERED that, **no later than April 30, 2024**, Plaintiffs  
9 shall file a notice regarding the status of this action in relation to the parties’ readiness for the  
10 May 14, 2024 scheduling conference, including whether Defendants Officer R. Harrell, Officer  
11 Eric Claiborne, Anthony Jeff, and Alice Valenzuela have been served or whether they shall be  
12 dismissed from this action. Plaintiffs are advised that failure to comply with this order may result  
13 in the issuance of sanctions, up to and including recommendation of dismissal of this action.

14  
15 IT IS SO ORDERED.

16 Dated: **April 24, 2024**

  
UNITED STATES MAGISTRATE JUDGE